

Virginia Coastal Resilience Master Planning Framework
Coastal Resilience Leadership Guidance Meeting

Meeting Minutes

February 12, 2021 – 3:00 PM – 4:30 PM

Virtual Public Meeting

The event began at 3:05 pm. The meeting was held via Webex, recorded, and posted on the TAC website. In attendance were Secretary Strickler, Rear Admiral Ann Phillips, Justin Bell, and Chairs, Vice-Chairs, and Staff of the Technical Advisory Committee (TAC) Subcommittees.

Secretary Strickler introduced the meeting and thanked Mr. Justin Bell for giving the presentation on FOIA (Freedom of Information Act) and COIA (Conflict of Interest Act). Justin Bell, Assistant Attorney General of the Office of the Attorney General, first presented COIA.

The meeting took a break at 3:33 pm, and Mr. Bell started the FOIA presentation at 3:36 pm.

Rear Admiral Phillips stated that if she received a formal FOIA request, she would forward the request to the Governor's Counsel since she is an appointee of the Governor. However, how would the request be handled for TAC members and subcommittee members?

Mr. Bell answered that there is an FOIA officer in the Governor's office, and that the FOIA request should be handled through that officer, and emphasized that such request has to be answered with expediency; otherwise, the failure to comply with FOIA would become a personal liability of the TAC members.

Rear Admiral Phillips concluded that if a member of the TAC received a formal FOIA request, they should alert the staff of the office of the Governor who will work with Counsel and the FOIA officer to address the request. Mr. Bell added that FOIA requests don't need to be formal or in writing, the TAC member is required to answer/respond to such requests.

Mr. Lewis Lawrence asked if he received an FOIA request which didn't address the receiver political entity, as both a political subdivisions member and a committee chair, how should he respond? Mr. Bell answered that the request should be responded to and should be passed on to the most appropriate staff for response.

Mr. Bell continued his presentation on FOIA and paused for questions at 3:56 pm.

Rear Admiral Phillips asked if presented need to use a separate email for TAC related issues is a mandatory requirement or a recommended requirement. Mr. Bell answered that it is a recommended requirement.

Mr. Bell continued his presentation on public meeting requirements and paused for questions at 4:06 pm.

Mr. Lawrence asked if the burden of posting a public meeting falls on the Governor's office since it is a state-level TAC, instead of the chairs, who may be employees of other political subdivisions. Mr. Bell answered that though the duty of posting the meeting belongs to the staff, the chairs have the responsibility to ensure the staff posts the public meeting.

Mr. Lawrence continued the question and asked if the staff is the person who was assigned to the subcommittee, instead of the chairs' staffs of their political entity.

Mr. Bell agreed with Mr. Lawrence's response that the staff was the person assigned to the subcommittee as staff, and elaborated that the chairs have the responsibility to notify the staff before the scheduled meeting to allow the staff has enough time to process and post the meeting.

Mr. Bell continued with requirements on conducting public business in TAC, and Mr. Lawrence confirmed that such requirement is the same with both the full TAC and TAC subcommittees.

Mr. Bell continued his presentation and addressed some hypothetical scenarios regarding FOIA requirement.

Ms. Kristen Owen answered a question related to one of the posed scenarios, stating that when a subcommittee of a subcommittee only has two board members, the telephone call between the two members is not allowed, because their meeting is a public meeting and needs to be posted. Mr. Bell agreed with Ms. Owen's answer and recommended that it is best to form larger subcommittees with at least four people.

Ms. Katie Sallee read a comment by John Bateman in the chat, and Mr. Bateman understood that whoever received the FOIA request is responsible for answering the request.

Mr. Bell proposed two more scenarios, and Mr. Bateman, Mr. Robert Weiss, Mr. Lawrence, Mr. Shep Moon, answered.

Mr. Bell finished his presentation and started the Q&A session at 4:31 pm.

Mr. Lawrence asked if the TAC subcommittee need to read the Declaratory 3708.2 before the electronic meeting as the planning district commission does.

Mr. Bell answered that the TAC subcommittee should also read the Declaratory 3708.2. Rear Admiral Phillips confirmed that she has sent the language to all the subcommittee chairs. Mr. Bell said that he will also send a checklist to Rear Admiral Phillips after the meeting tp forward to Chairs.

Mr. Lawrence asked if the staffs of subcommittees are responsible for recording the meeting and if the committee chair is responsible when the meeting is not recorded.

Rear Admiral Phillips confirmed and recommend that chairs can remind the staff to record.

Mr. Bell answered that while it depends on the situation, whoever in the meeting is responsible for recording the meeting.

Ms. Owen suggested that a checklist that can ensure all subcommittees follows the same process would be helpful.

Rear Admiral Phillips stated that the subcommittee chairs and the staffs have the checklist, though there would be revisions of the steps based on the FOIA/COIA training.

Ms. Emily Steinhilber suggested that the checklist also be sent to the vice-chairs of the subcommittee, and Mr. Bateman seconded. Rear Admiral Phillips agreed.

Mr. Bell reminded attendees that the meeting is recorded, and people who cannot attend the meeting can watch the recording.

Mr. Weiss asked if it is permissible to use shared documents such as Google Docs through his university account for the subcommittee members.

Mr. Bell answered that members don't necessarily have to use a separate account. However, while using a shared online document, no more than two members of the subcommittee can be on the document at the same time, otherwise, the document becomes an unintentional meeting.

Mr. Weiss asked if it counts as a public meeting when more than two members of the TAC discuss TAC topics with people who are not in the TAC. Mr. Bell said that's correct.

Ms. Owen asked if it counts as a public meeting when two members of the same subcommittee discuss TAC business with another member of the TAC who is in a different subcommittee. Mr. Bell answered that the situation is not technically permitted.

Rear Admiral asked if there were any additional questions, there being none, the meeting adjourned at 4:43 pm.